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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|---------------------------|------------------|
| 09/807,608 | 12/26/2001 | Jack David Hammond | Q63675 | 2071 |
| 23373 7590 02/06/2007 SUGHRUE MION, PLLC 2100 PENNSYLVANIA AVENUE, N.W. SUITE 800 WASHINGTON, DC 20037 | | | EXAMINER JABR, FADEY S | |
| | | | ART UNIT 3628 | PAPER NUMBER |

| SHORTENED STATUTORY PERIOD OF RESPONSE | MAIL DATE | DELIVERY MODE |
|--|------------|---------------|
| 3 MONTHS | 02/06/2007 | PAPER |

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

| | | | |
|------------------------------|--------------------------------------|---------------------------------------|--|
| Office Action Summary | Application No. 09/807,608 | Applicant(s) HAMMOND ET AL. | |
| | Examiner Fadcy S. Jabr | Art Unit 3628 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 November 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 36-39 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 36-39 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 17 November 2006 has been entered.

Status of Claims

Claims 1-35 have been cancelled. Claims 36-39 have been newly added. Claims 36-39 remain pending and are again presented for examination.

Response to Arguments

2. Applicant's arguments filed 17 November 2006 have been fully considered but they are not persuasive. Applicant argues that Okajima fails to disclose usage-sensitive variable rate pricing that varies the price per time over the duration of usage. Examiner notes that Okajima teaches usage-sensitive (exceeding a predetermined regulated time) variable rate pricing (charging a low fee for short-term parking, but prevent parking for more than a regulated time by collecting a penalty charge fairly higher (*about 2 to 3 times*) than that of the general parking fee when leaving the parking garage past a predetermined regulated time (e.g about 30 minutes) to enable enhancement of the parking efficiency (pp. 5). Therefore, Applicant's arguments are moot.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims **36-39** are rejected under 35 U.S.C. 103(a) as being unpatentable over Amirpanahi, U.S. Patent No. 5,648,906 in view of Okajima, JP Patent No. 402093781 A.

As per **Claims 36 and 38**, Amirpanahi discloses a system and method comprising:

- a sensor to sense usage of the parking space by a vehicle (C. 13, lines 4-60, abstract, lines 22-24);
- a processor coupled to the sensor, the processor being programmed to:
 - determine an elapsed usage time of the vehicle based on the sensed usage (C. 5, lines 22-25, C. 13, lines 4-60);
 - calculate a usage fee based on the elapsed usage time (C. 13, lines 45-49);
- accept payment of the usage fee or information therefor (C. 11, lines 43-60, C. 12, lines 49-59).

Amirpanahi fails to disclose a two-tier pricing that charges a fixed price per time up to a predetermined usage time and thereafter charges an increasingly higher variable price per time that is a disincentive to usage of the parking space beyond the predetermined usage time.

However, Okajima teaches a short-term use fee-calculating means which calculates a penalty charge that is higher than the general fee when the parking garage-leaving time exceeds a

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predetermined regulated time for the short-term parking (pp. 5). Further, Okajima teaches setting the parking fee for short-term parking at no cost or a low fee for short-term dedicated use, but prevent parking for more than a regulated time by collecting a penalty charge fairly higher (about 2 to 3 times) than that of the general parking fee when leaving the parking garage past a predetermined regulated time (e.g. about 30 minutes) to enable enhancement of the parking efficiency (pp. 5). Therefore, it would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify the method and system of Amirpanahi and include a fee structure that penalizes parking space users who surpass a predetermined time period as taught by Okajima, because it enables enhancement of the parking efficiency.

As per Claims 37 and 39, Amirpanahi discloses wherein usage of the parking space is manageable by selectively varying the predetermined usage time and the fixed price per time (C. 14, lines 3-19, C. 15, lines 6-19). Amirpanahi fails to disclose varying the increasingly higher variable price per time. However, Okajima teaches a short-term parking regulated time (e.g. about 30 minutes), where 30 minutes is used an example; therefore any time unit can be used (pp. 3, 5). Further, Okajima teaches a penalty charge fairly higher (2 to 3 times) that that of the general parking fee, where the penalty fee can vary from 2 to 3 times the general parking fee (pp. 5). Therefore, it would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify the method and system of Amirpanahi and include being able to vary the penalty for surpassing a predetermined time period as taught by Okajima, because it enables enhancement of the parking efficiency.

Conclusion

Examiner's Note: Examiner has cited particular columns and line numbers in the references as applied to the claims below for the convenience of the applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested that the applicant, in preparing the responses, fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the examiner.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Fadey S. Jabr whose telephone number is (571) 272-1516. The examiner can normally be reached on Mon. - Fri. 7:30am to 4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Hayes can be reached on (571) 272-6708. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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Fadey S. Jabr
Examiner
Art Unit 3628

FSJ

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or faxed to:

(571) 273-1516 [Informal/Draft communications, labeled "PROPOSED" or "DRAFT"]

Hand delivered responses should be brought to the Customer Service Window, Randolph Building, 401 Dulaney Street, Alexandria, VA 22314


JOHN W. HAYES
SUPERVISORY PATENT EXAMINER